

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1 Family Child Care Home Reporting Requirements and Family Child Care Consumer
Awareness Information

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held August 17, 2005, as follows:

August 17, 2005
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on August 17, 2005.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

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 California Department of Social Services
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CHAPTERS

California Code of Regulations, Title 22, Division 12, Chapter 3 (Family Child Care Homes), Sections 102416.2 (Reporting Requirements Including Unusual Incidents and Injuries), 102416.3 (Alterations to Existing Building or Grounds), 102419 (Admission Procedures and Parental and Authorized Representative's Rights), and 102423 (Personal Rights).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current Family Child Care Home (FCCH) regulations include requirements that licensees need to follow in order to provide care for children in this type of facility, but do not include requirements for the licensee to report unusual incidents and injuries or alterations to existing building or grounds.

These regulations establish and specify reporting requirements for FCCH licensees pursuant to Assembly Bill (AB) 685 (Wayne), Chapter 679, Statutes of 2001. The regulations will require licensees to notify parents/authorized representatives and the California Department of Social Services (CDSS) of any unusual incident or injury to any child while in care in a licensed FCCH. These regulations also include reporting requirements to enhance the health and safety of children in care. Additionally, these regulations require licensees to provide the Family Child Care Consumer Awareness Information, LIC 9212 (2/05), to the parent/authorized representative of children at the time of their admission into a FCCH.

Adopting Section 102416.2 ensures that FCCH licensees will notify the Department and parents/authorized representatives of a child in care who is the subject of an unusual incident or injury that requires medical attention. Adopting Section 102416.3 ensures FCCH licensees report to the Department any plans for alterations to existing building and grounds. Adding these sections increases the Department's ability to protect children in care.

Amending Sections 102419 and 102423 implements the Department's policy that all parents/authorized representatives must receive the Family Child Care Consumer Awareness Information to assist them in making informed choices about the placement of their children.

COST ESTIMATE

1. Costs or Savings to State Agencies: Funding and positions were established on a permanent basis when AB 685 (Chapter 679, Statutes of 2001) was passed.
2. Costs to Local Agencies or School Districts: Additional expenditures of approximately \$80,000 in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code.
3. Nondiscretionary Costs or Savings to Local Agencies: N/A
4. Federal Funding to State Agencies: No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

LOCAL MANDATE STATEMENT

These regulations do constitute a mandate on local agencies, but not on local school districts. There are state mandated local costs that require reimbursement pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

These proposed regulations implement the provisions of AB 685, Chapter 679, Statutes of 2001 which added Section 1597.457 to the Health and Safety Code to establish reporting requirements for family child care home licensees. Licensees must report to the Department and the parents/authorized representatives of a child in care who is the subject of an unusual incident or injury requiring medical treatment. The regulations specify the LIC 624B (06/03), Unusual Incident/Injury Report – Family Child Care Home, is to be used by the licensee to report unusual incidents or injuries to the Department. Additionally, these regulations will establish the Department's authority to require that licensees provide the Family Child Care Consumer Awareness Information LIC 9212 (2/05), to parents/authorized representatives at the time their child is placed in care. This information provides parents with a health and safety checklist for FCCHs and provides other useful information to assist them in making informed decisions about the placement of their child in a licensed FCCH.

FCCH licensees are required to maintain adequate supplies of the required forms. It is anticipated that this will have a minimal financial impact on FCCH licensees. Licensees will be required to complete and submit the incident reports to the Department and advise the parents/authorized representatives of children involved in unusual incidents or injuries upon occurrence.

Failure by the licensee to comply with these regulations could result in the possible revocation of the license. The revocation of a license would result in loss of income for the licensee and any paid assistants they may have. Additionally, parents/authorized representatives would be greatly impacted with the loss of care for their children and may lose income if they cannot immediately secure other day care services for their children and are not able to work..

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Health and Safety Code Sections 1596.81 and 1597.46. Subject regulations implement and make specific Health and Safety Code Sections 1596.72, 1596.73, 1596.81, 1597.05, and 1597.467; Penal Code Section 11166; and Title 17, Section 2500.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

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AGENDA ITEM(S) FOR THIS PUBLIC HEARING - August 17, 2005

- ITEM #1 ORD #1103-28 - Family Child Care Home Reporting Requirements and Family Child Care Consumer Awareness Information
- ITEM #2 ORD #1104-06 – Foster Youth Personal Rights Regulations
- ITEM #3 ORD #0704-05 – Adult Day Programs
- ITEM #3 ORD #0704-04 – Food Stamp Eligibility for Drug Felons